

(Caption of Case)

IN RE: APPLICATION OF
PULSE TELECOM LLC
AUTHORITY TO OPERATE AS A
RESELLER OF INTEREXCHANGE
TELECOMMUNICATION SERVICES
WITHIN THE STATE OF
SOUTH CAROLINA

196627
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2008 -399 - C

(Please type or print)

Submitted by: Charlotte Lacey
Address: 1720 Windward Concourse, Suite 115
Alpharetta, GA 30005

SC Bar Number: _____
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Other: _____
Email: clacey@telecomcounsel.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Lance J.M. Steinhart, P.C.
Attorney At Law
1720 Windward Concourse
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Alpharetta, Georgia 30005

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December 17, 2008

VIA OVERNIGHT DELIVERY

Mr. Charles L.A. Terreni
Chief Clerk/Administrator
SC Public Service Commission
101 Executive Center Dr., Ste. 100
Columbia, SC 29210
(803) 896-5100

Re: Pulse Telecom LLC
Docket No. 2008-399-C

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2008 DEC 18 11:05 AM
SC PUBLIC SERVICE
COMMISSION
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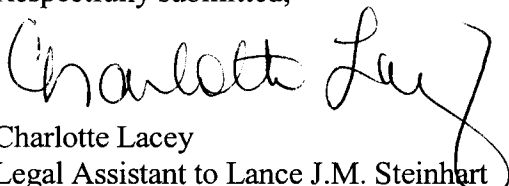
Dear Mr. Terreni:

Enclosed please find for filing an original and twenty-five (25) copies of the company's pre-filed testimony. The company does not intend to engage in telemarketing in the State of South Carolina.

I have enclosed an extra copy of this letter to be date-stamped and returned to me in the self-addressed, postage prepaid envelope I have provided.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me. Thank you.

Respectfully submitted,


Charlotte Lacey
Legal Assistant to Lance J.M. Steinhart
Attorney for Pulse Telecom LLC

Enclosures

cc: Marius Malai (w/enc)

Lessie Hammonds – lhammond@regstaff.sc.gov
Scott Elliott, Esq. - selliot@elliottlaw.us
Jackie Livingston - jlivingston@elliottlaw.us
Judy Matthews – judy.matthews@psc.sc.gov

BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-399 -C - ORDER NO. 2008-751

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2008 DEC 13 PM 9:57
PUBLIC SERVICE
COMMISSION

IN RE: APPLICATION OF)
PULSE TELECOM LLC)
AUTHORITY TO OPERATE AS A)
RESELLER OF INTEREXCHANGE)
TELECOMMUNICATION SERVICES)
WITHIN THE STATE OF)
SOUTH CAROLINA)

DIRECT TESTIMONY
OF SATYAM TALATI

I. Introduction

- 1 1. **Q. Please state your name and business address.**
- 2 A. My name is Satyam Talati. My business address is 1607 E. Big Beaver Road.,
- 3 Suite 340, Troy, Michigan 48083.
- 4 2. **Q. By whom are you employed and in what capacity?**
- 5 A. I am Corporate Counsel of Pulse Telecom LLC ("Pulse").
- 6 3. **Q. Please give a brief description of your background and experience in business**
- 7 **and telecommunications.**
- 8 A. The background experience of the management team of Pulse, is set forth in
- 9 Attachment 4 to our application. My background and experience is attached hereto.

1 7. **Q. Please describe the services Pulse intends to provide within the State of South**
2 **Carolina.**

3 A. Pulse seeks authority to operate as a reseller of intraLATA and interLATA intrastate
4 telecommunications services to the public on a statewide basis. Pulse seeks
5 authority to offer on a resale basis within South Carolina intrastate, interLATA and,
6 to the extent authorized by the Commission, intraLATA direct-dialed services
7 including (1+) service, toll-free inbound service, and calling cards. Pulse seeks
8 statewide authority to provide intraLATA services authorized by the Commission in
9 Docket Nos. 92-182-C, 92-183-C, and 92-200-C. Pulse has no plans at this time to
10 construct any telecommunications transmission facilities of its own and seeks no
11 construction authority. Pulse will operate exclusively as a reseller. Pulse intends
12 to engage in "switchless" resale. Pulse will arrange for the traffic of underlying
13 subscribers to be routed directly over the networks of Applicant's network providers.

14 8. **Q. What carrier will Pulse utilize as its underlying carriers for services in South**
15 **Carolina?**

16 A. Pulse intends to utilize Global Crossing Bandwidth, Inc. as its underlying carrier.
17 Pulse will choose its underlying carriers based upon the quality of service of the
18 carrier properly certified by the Commission to provide such service.

1 9. **Q. Is Pulse authorized to provide intrastate telecommunications services in any**
2 **other state?**

3 A. Yes. Pulse is currently authorized to provide these services in the following states:
4 Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia,
5 Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansa, Kentucky, Louisiana,
6 Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri,
7 Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North
8 Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island,
9 South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia,
10 Wisconsin, and Wyoming.

11 10. **Q. Has Pulse ever had an application for a certificate of public convenience and**
12 **necessity denied?**

13 A. No.

14 11. **Q. Does Pulse intend to file a tariff with the Commission?**

15 A. Yes. Pulse filed a tariff along with its Application in this proceeding which it will
16 modify as necessary in order to meet the Commission's requirements. We believe
17 Pulse's Tariff will comport with all Orders, Rules, and Regulations of the
18 Commission.

19 12. **Q. Will Pulse comply with the Commission's orders regarding the resale of**
20 **interexchange carrier services?**

21 A. Yes. Pulse will at all times provide and market interexchange carrier services in
22 accordance with current Commission policies. In addition, Pulse at all times will
23 provide interstate services in compliance with all FCC rules and regulations.

1 13. **Q. Has Pulse provided any intrastate telecommunications services within the State**
2 **of South Carolina?**

3 A. No it has not.

4 14. **Q. What rates will Pulse charge upon receipt of certification?**

5 A. Pulse will charge the tariffed rates approved by the Commission.

6 15. **Q. How will Pulse market services in South Carolina?**

7 A. Pulse intends to market its services via direct sales by Pulse's employees and
8 independent sales agents.

9 III. Managerial, Technical and Financial Qualifications

10 16. **Q. Does Pulse have sufficient managerial, technical, and financial resources and**
11 **ability to provide the telecommunications services proposed in its Application?**

12 A. Yes. Pulse has sufficient technical, financial, and managerial resources and ability to
13 provide the telecommunications services for which authority is sought herein.
14 Pulse's personnel represent a broad spectrum of business and technical disciplines,
15 possessing many years of individual and aggregate telecommunications experience.

16 My qualifications and experience are discussed on Attachment 4 to our
17 application, which attachment also supports Applicant's managerial and technical
18 ability to provide the services for which authority is sought herein.

17. Q. How does Pulse handle customer service requests?

A. Pulse's customer service department handles all such requests. Pulse can be reached by toll free number.

18. **Q. Please describe the financial condition of Pulse.**

A. In support of Pulse's financial ability to provide the services sought herein, Pulse's Balance Sheet and Income Statement as of December 31, 2007 was submitted as Attachment 5 to the Application.

IV. Public Interest

19. **Q. How will residents of South Carolina benefit from Pulse's services and presence in South Carolina?**

A. Commission approval should bring the following long-term benefits to telephone users:

- (1) More competition, additional services and a better product at competitive prices;
- (2) Increased consumer choice as well as innovative telecommunications services;
- (3) Efficient use of existing communications resources as well as increased diversification and reliability of supply of communications services;
- (4) Development of an expanded telecommunications supply industry in South Carolina;

1 (5) An expanded tax base and revenue source for the State of South Carolina;
2 and,

3 (6) Additional sources of revenues for Local Exchange Companies through
4 access charges and billing and collection fees.

5 20. Q. **Has the Company ever been the subject of an investigation by any state**
6 **Regulatory body or by the FCC?**

7 A. No.

8 21. Q. **Will the Company agree to abide by and comply with the Commissions**
9 **Rules and Regulations and Commission Orders in its operations in South**
10 **Carolina?**

11 A. Yes.

12 22. Q. **Does this conclude your testimony?**

13 A. Yes. I would like to thank the Commission for this opportunity to provide
14 information relevant to Pulse's Application and am ready to provide any additional
15 information that the Commission may need in making its decision.
16

Satyam Talati
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Lake Orion, Michigan 48360
(248) 338-4769 (H); (586) 944-3748 (C)
talatisa@yahoo.com

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SOBOLSKY
Troy, Michigan

LEGAL EXPERIENCE

MGM Consulting Group, LLC

General Counsel, February 2007 – Present

- Primarily responsible for handling all legal matters for a group of companies servicing the telecommunications industry. Daily workload involves reviewing and negotiating various types of contracts with domestic and foreign corporations, updating all lease agreements, drafting service agreements with customers, protecting against litigation risks, and consulting on employment issues.
- Responsible for spearheading multi-million dollar collection effort and organizing expansion of client business into European and Australian markets. Recently assisted in the restructuring of business operations to expand business into the European Union.
- Coordinate with and manage local counsel throughout country and world to assist in regulatory compliance, contract drafting and negotiation, and complex litigation.
- Meet regularly with Chief Executive Officers of client entities to provide advice and consultation on many different topics, including business development, expansion and globalization efforts.

Jaffe, Raitt, Heuer & Weiss, PC

Litigation Associate, December 2003 – February 2007

Southfield, Michigan

- Handled all aspects of client representation in potential and pending litigation disputes in state and federal courts, as well as the American Arbitration Association and Construction Arbitration Services.
- Primary case load included corporate and shareholder disputes, premises liability actions, construction disputes pertaining to mold and workmanship, corporate tenant evictions, actions to enforce guaranty obligations, claims under Michigan's No-Fault Act, and all issues relating to collecting on Michigan and foreign judgments.
- Experience includes trial and arbitration preparation, working with and preparing expert witnesses, drafting all types of pleadings including motions in limine and dispositive motions, arguing all forms of motions including dispositive motions, taking and defending depositions of fact witnesses, representation in alternative dispute resolution process, and other litigation related practice, the majority of which involves little supervision and heavy client contact.
- Additional experience includes drafting settlement documents and other forms of agreements designed to either resolve pending litigation or prevent litigation prior to its initiation.

Dykema Gossett PLLC

Summer Associate, Summer 2000

Litigation Associate, August 2001 – December 2003

Lansing, Michigan

- Primary responsibility for drafting multi-count complaints, answers to complaints, motions for

summary disposition, briefs in support thereof, reply and response briefs, discovery pleadings, preliminary injunctions and other types of motions and briefs filed in state and federal courts. Other activities included taking depositions, participating in hearings, contacting and working with experts, preparing litigation strategy, negotiating settlements, drafting settlement documents, interviewing fact witnesses and assisting in trial preparation.

- Worked on briefs or drafted memoranda regarding various legal doctrines and federal and state statutes, including the Michigan Constitution, the Federal Constitution, governmental and sovereign immunity, contractual and common law indemnity, products liability, premises liability, res judicata, collateral estoppel, enforcement of non-compete agreements, misappropriation of trade secrets, Michigan's No-Fault Act, the Fair Debt Collection Practices Act, the Freedom of Information Act, the Open Meetings Act, the Uniform Commercial Code, the Magnuson-Moss Warranty Act, the Elliott-Larsen Civil Rights Act, the Americans with Disabilities Act and the Tax Injunction Act.
- Experience also included taking depositions in a variety of matters, including asbestos contamination and premises liability actions, as well as filing and arguing numerous motions.

Michigan Attorney General

Lansing, Michigan

Summer Associate - Education Division, Summer 1999

- Drafted legal memoranda on topics including the search and seizure of students on school property, the nature of consent decrees in relation to school desegregation orders, and the need for fairness hearings in class action settlements. Also participated in the preparation of complaints for the revocation of teaching certificates.

EDUCATION

The Ohio State University College of Law

Juris Doctor - May, 2001

- GPA: 3.35/4.00; Exam Average 91 of 100
- CALI Award for Excellence – Telecommunications
- Moot Court, Products Liability Team, 2000 – 2001

Michigan State University

Bachelor of Arts in Political Economy, James Madison College – December, 1997

- GPA: 3.33/4.00

ACHIEVEMENTS AND ACTIVITIES

- Appointed by Governor Granholm to the State of Michigan Occupational Health Standards Commission, 2005 – Current
- Member of the Ingham County Bar Association, 2001 – 2003
- Member of Oakland County Bar Association, 2005 - Current
- Member of Federal Bar Association, 2004 - Current
- Member of the American Bar Association, Labor and Employment, Litigation, and Tort Trial and Insurance Sections, 2003 – Current
- Student Bar Association, Vice President, Ohio State University, 2000 – 2001
- Elected to Appointments Committee of the Student Bar Association, Ohio State University, 1999 - 2000